

# ORIGINAL CERBAT WATER COMPANY

7313 E. Concho Drive, Suite B, Kingman, Arizona 86401

January 8, 2010

Arizona Corporation Commission
Utilities Division
Accounting and Rates Section
1200 Washington
Phoenix, Az. 85007
Re: Docket Number W-02391A-09-05 | 6-





#### Dear Commissioners

On January 5, 2010 staff submitted their report to the Commission for the Emergency Rate Increase for Cerbat Water Company (Docket No. W-02391A-09-0561). Staff recommended denial of the Emergency Rate Increase.

Cerbat Water Company (CWC) does not concur with Staff recommendations of denial for the Emergency Rate increase to the Commission. CWC has not had a rate increase in approximately eight(8) years and until 2009 had no more than one(1) customer complaint per year. In 2009 there were two (2) well pump failures and three (3) well engine failures. As a result of these failures, there were a number of customer complaints due to the service interruption.

CWC has lost money every year since 2002. CWC lost \$39,400 in 2008 and an average of \$27,309 in each of the five (5) previous years. In 2009 CWC incurred in excess of \$100,000 in equipment failures alone, not including operating losses. CWC has borrowed from the C.K. Neal Family Trust to stay operational and has yet to repay any of the principle or interest on the money borrowed. With the impact of the aforementioned mechanical failures the financial impact is more than CWC can absorb.

Along with having to bear the cost of the equipment repairs, water had to be purchased from the City of Kingman in four (4) of the five (5) failures at a rate approximately twice the amount CWC is charging its customers. The City of Kingman is the only backup water currently available.

The Staffs reasoning for the denial of the Emergency Rate Increase included; the Trust owned equipment should, according to Staff, be repaired or replaced by the Trust and not CWC. Please refer to Attachment C entitled "Management Agreement" provided to the Commission with the Staff Recommendations. Article 4, page 4 of the Agreement clearly states as follows: The owner (CWC) is

responsible for, and will arrange the funding of, all costs, expenses and capital improvements of the Company including but not limited to the following:

- A. Electrical power and energy for the operation of the water system within the certified area.
- B. All chemicals required to treat the water.
- C. Regulred testing performed by a laboratory.
- D. Insurance as may be required on the water system.
- E. REPLACEMENT OF AND REPAIRS TO THE WATER SYSTEM.
- F. ALL PLANT ADDITIONS AND IMPROVEMENTS.
- G. Legal counsel for the water system.
- H. Engineering services.
- I. Accounting services for the water company.

CWC is clearly responsible for the repairs and replacement of the equipment for the water system.

The reason that CWC installed an electric motor in lieu of repairing the diesel motor is because it was more cost effective to do so. However, the equipment supplier has not been paid for the equipment and has agreed to wait for the outcome of the upcoming hearing to agree to payment terms for the well equipment. If CWC is denied the rate increase, CWC will be unable to pay the supplier and in turn the supplier may remove his equipment, leaving CWC unable to serve water to its customers. The other issue is the electric service bond that is required by the electrical utility company (Unisource) for the new electrical service at the well site. CWC has been denied by several bonding companies due to the financial status of the company along with the unusual request by Unisource, requesting a bond for service to an existing long standing customer, which raises red flags to the bonding underwriter. CWC was issued a 30 day extension to obtain the bond which will have expired as of the date of the upcoming hearing. If CWC can't produce a bond, they are required to put up \$30,000 cash in lieu of bond which they of course are unable to do.

CWC also feels that it is imperative that there be a backup supply of water to its customers. CWC has two choices; one would be water from the City of Kingman which would require a deposit of \$19,000 prior to water being delivered by the City. The second option would be to drill a small well to be owned by CWC next to the current well owned by the Trust. The cost associated with drilling and equipping the new well would be \$79,000.

CWC concurs with staff recommendations in reference to submitting a permanent rate increase by April 30, 2010, as well as pursuing letters of good standing from ADEQ and the ADWR. Attached please find the requested information required by the ADEQ and the ADWR to bring CWC into compliance. CWC is currently waiting on Letters of Good Standing from both entities. CWC also agrees with Staff that CWC should maintain separate bank accounts for CWC and run all transactions relating to CWC thru CWC checking accounts. As of January 1, 2010, all CWC transactions are being processed through the CWC checking accounts.

Staff also recommended that the Trust bill CWC for management services as well as water purchases. As of January 1, 2010, the Trust is billing CWC for both items.

Under the "Emergency" heading of the Staff recommendations and the subtitle "Water Service Agreement with the City of Kingman", Staff states that they find no evidence of CWC purchasing water from the City of Kingman during the initial phase of the emergency. There is no other physical means available to CWC to provide water to the Cerbat customers other than the primary well or the City of

Kingman; therefore staff is misinformed if they think there is currently another possible avenue for providing water to the Cerbat customers.

Staff also states in its recommendations that as of December 19, 2009 CWC is not in good standing with the Corporation Division of the ACC for failure to file its Annual Report. CWC's Annual Report was filed on December 30, 2009 (attached) and they are waiting for the ACC to reinstate the company to be in good standing.

In summary, satisfaction and service of CWC customers is paramount and the emergency items requested are urgently needed to accomplish those goals. Any further delays continue to unfairly penalize the customers who are in desperate need of a stable source of water. It is imperative that CWC is awarded a rate increase to allow them to pay for the equipment installed in December of 2009 listed on the Emergency Rate Request. It is not necessary for CWC to have the Bond money or the deposit money for the backup water from the City of lüngman. However, if these moneys are not granted to CWC on the form of a rate increase, then CWC requests the help of the ACC with Unisource in potentially requesting the bond be waived. CWC would also request the direction of the ACC in reference to a resolution for a backup plan if there were another fallure between now and whenever a permanent rate increase were in place.

CWC has been one of the few companies providing an essential public service to its customers and contained its costs to its customers for so many years. CWC can no longer contain those costs and must have immediate relief. Thank you in advance for your consideration.

Respectfully.

Mick Neal

Cerbat Water Company

Cerbat Water Company 7313 E. Concho Drive Suite 8 Kingman, Az. 86401 Phone (928) 757-2205 Fax (928) 757-2217

January 13, 2010 System # 08-341 Cerbat Water Company

To Arizona Department of Environmental Quality
Northern Regional Office
1801 West route 66, Suite 117, Flagstaff, Arizona 86001

Attn: Robert E. Buck

Re: Sanitary Survey Report

Dear Mr. Buck

This letter is response to your sanitary survey report dated 6/10/09. All issues in your report have been addressed as follows:

- 1. Cerbat Water Company Contacted a Suzanne Price in June of 09 to resolve the issue of non compliance for Monitoring (TCR), Routine Major for Colliform (TCR) in November of 2008. At that time and also as of January 13, 2010 Cerbat is currently in compliance.
- 2. The stand pipe has been removed, see attached photos. The hoses delivering water have been removed.

Inspection recommendations:

- 1. Access hatch gasket seals have been replaced on both storage tanks. The water level gauge openings have been screened.
- The water level gauge on the 20,000 gallon storage tank has been repaired.
- 3. The 100,000 gallon tank located at the site of the 20,000 gallon tank will be brought online as soon as the funds are available to allow the work to be done. If you have any questions or concerns in reference to the aforementioned please don't hesitate to contact us.

Respectfully,

The The

Mike Neal

## System Water Plan

### Water Supply Plan

Water system name: CERBAT WATER COMPANY System ID number: 91- 000358

a a a				
a.	City/town where system is locate KINGMAN	d:		
b.	County where system is located: MOHAVE			
C.	Township/range/section where you 22N/R16WEST/SECTION 7	our system is located (	(if known):	
d.	Approximate square miles of services	vice area:		
e.	Describe or submit a map showin landmarks, etc.).  Note that a map is not required,	-	•	streets, town limits,
f.	Type of area served (consider ma ⊠Rural ⊡Suburban ⊡Urban ( If other, describe area served:	ajority of area served). ☑Mobile home park	Please check all that ap ☐Subdivision ☐ Prison	oply: n ∐Other
g.	Typical or predominant landscapil  Low water use landscaping  No outdoor water use (e.g. moi Additional description if needed:		Jnlandscaped/unimigate	d (dirt or natural desert)
h.	Average residential lot size: 1 ACRE			
	THE PERSON NAMED IN COLUMN TWO			
a.	Do you serve groundwater?  ⊠Yes □No  If so, do you measure water levels  ⊠Yes □No	s?		
	List well registration numbers, mo	et recent water level n	gaggyramani and data m	
	Well registration numbers, and	er Water level	Date measured	neasured (ir applicable):
	55-624996	709'	07/27/09	<b></b>   1
	00-02-4000	709	01721708	<b>-</b>
				1
1				
	(If the number of wells exceeds the space	a allotted, please continue i	on a second copy of this page	e, and attach it for submittel)
b.	Do you serve surface water?			
	∐Yes ⊠No			
	If yes, list name of source(s):			·

C.	What is your emergency source of water (back-up well number, name of other water provider, etc.)?  CITY OF KINGMAN						
a.	Do you have ⊠Yes ⊟No	an interconnection wit	n another war	er system?		•	
		ame of other system(s):					
	CITY OF KI						
		erconnections, including	a conditions to	ndar which water	transfer can to	ke nlace:	
b.		e from the City of Kingm				ine place.	
		erving more than 1,85				erconnections*	
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		antities and systems:					
		-					
					·		
b.		chase water from anoth	er water syste	em during the pas	it five years?		
	⊠Yes ⊟No	o Jantities and systems:					
	CITY OF KIN						
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	⊠Yes ∏No			×			
	If yes, what i	is your total storage cap					
	500,000 & 20	0,000 STORAGE TAN	<b>KS</b>				
b.	Do you treat	your potable water?					
	∐Yes ⊠No						
	If yes, descri	ibe treatment facilities/r	nethods:				
202-1613-161		erranda en		AND COMPANY OF THE PARTY OF THE	211 - 10 P. C.		Mark Street House
		A second					
		ur system's transmissio M WELL SOURCE TO			AND ELONA	TO CUSTOMER	c
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	distribution		o poopio ii.u	se provide a map			
a.	Is your syste	em metered?	7.5.			<u> </u>	
	⊠Yes □No	0					
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		able below with the follonate (at a minimum, pro			n metered, ne s	i as much as you	ıaıe
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	2005	68073	Month:	JULY	Date:	7/15/05	

	•								
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	20	007	81002		Month:	JULY	Date:	7/10/07	ļ
					Quantity:	3,766,000	Quantity:	121,000	1
	20	008	81786		Month:	JULY	Date:	7/10/08	4
					Quantity:	5,179,000	Quantity:	165,000	<u> </u>
b.	☐Yes ⊠ If yes, des	No scribe:	: ·			nes of peak use?			
C.	Other imp	ortant	information	on related t	o system pro	oduction and abili	ty to meet curre	ent demands:	
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		2019		295		94,400			
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b.	Explain ho Historical		arrived a	t these nur	nbers:		***		
C.	Do you an ∐Yes ⊠		te problem	s meeting	these future	demands?			
d.	(for example	le, if de increas	emand is ea sed storage	xpected to g , additional	reatly increas	neet demands ov e, options could inc			

## **Water Conservation**

Water system name: CERBAT WARTER COMPANY

Plan

System ID number: 91-000358

Currently imple- menting	Planned in next five years	Conservation measures/programs	Description
X		Metering of source	
X		Metering of service connections	
X	📙	Water rate structures that	
		encourage efficient water use (e.g. higher rates for higher use)	
X		Measures to limit lost and unaccounted for water (e.g. leak detection and repair programs,	Regularly monitor water lines for leaks
	53	control evaporation from storage tanks, eliminate illegal connections)	
<b> </b> -	<b>⊠</b>	Programs to encourage low water use landscaping (e.g. low water use/drought tolerant plant list for your area, installation of efficient irrigation systems)	Place water conservation tips and drought resistant plant descriptions on website
	⊠.	Describe any education/outreach programs you are implementing Please include any communication you have with your customers regarding conservation; this can be as simple as conservation tips provided in water bills. Other examples include school education programs, landscape workshops, water festivals, etc.	Place water conservation tips and drought resistant plant description on website
		Other programs	
Describe	any plan	ned changes or additions to your	current programs over the next five years:

# Drought Preparedness

Water system name: CERBAT WATER COMPANY

System ID number: 91-000358

See instructions on previous page.

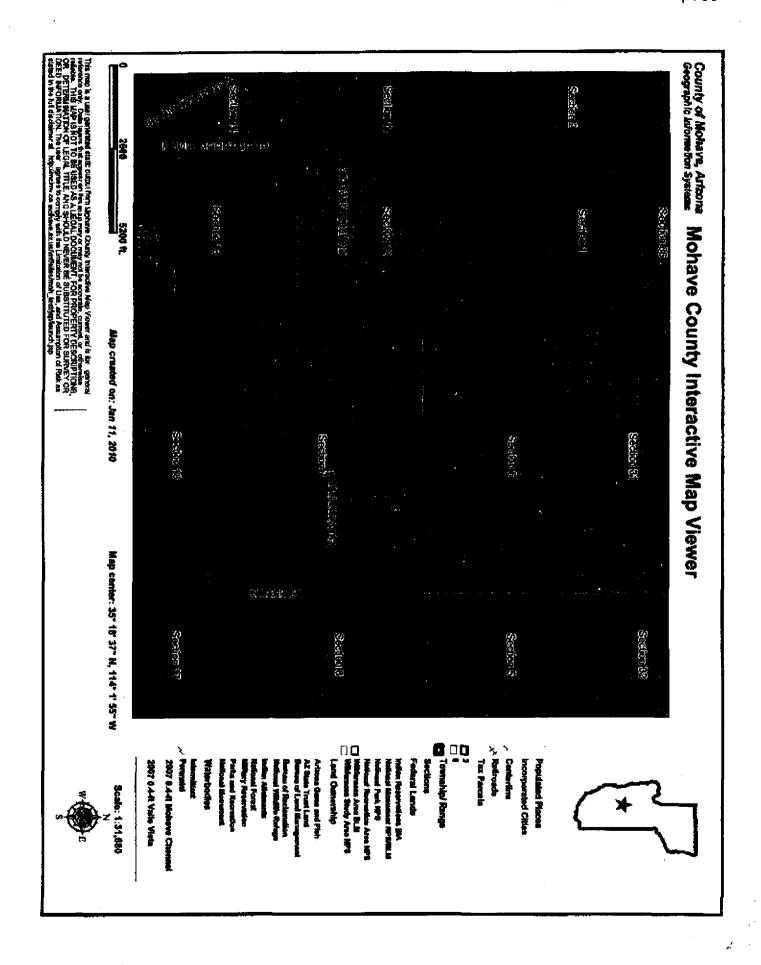
Drought Plan of Action					
STAGE 1 (Normal conditions)	Implement conservation measures/programs from water conservation plan. Other measures: Under Stage 1, Company is deemed to be operating normally and no curtailment is necessary.				
STAGE 2	Company's water storage or well production has been less than 80 percent of capacity for at least 48 consecutive hours, and Company has identified issues such as steadily declining water table, an increased draw-down threatening pump operations, or poor water production creating a reasonable belief the company will be unable to meet water demands in the system.  Restrictions, Under Stage 2, the Company may request the customers to voluntarily employ water conservation measures to reduce water consumption by approximately 50 percent. Outside watering should be limited to essential water, dividing outside watering on some uniform basis ( such as even and odd days ) and eliminating outside watering on weekends and holidays.				
STAGE 3	Company's total water storage or well production has been less than 50 percent of capacity for at least 24 consecutive hours, and Company has identified issues such as steadily declining water table, increased draw down threatening pump operations, or poor water production, creating a reasonable belief the Company will be unable to meet anticipated water demand on a sustained basis. Restrictions, Under Stage 3, the Company shall request the customer to voluntarily employ water conservation measures to reduce daily consumption by approximately 50 percent. All outside watering should be eliminated, except livestock, and indoor water conservation techniques should be employed whenever possible.				
STAGE 4	Company's total water storage or well production has been less than 25 percent of capacity for at least 12 consecutive hours, and Company has identified issues such as a steadily declining water table, increased draw down threatening pump operations, or poor water production, creating a reasonable belief the company will be unable to meet anticipated water demand on a sustained basis.  Restrictions, Under Stage 4, Company shall inform the customers of a mandatory restriction to employ water conservation measures to reduce daily consumption. Failure to comply will result in customer disconnection. The following uses of water shall be prohibited: Irrigation of outdoor lawns, trees, shrubs, or any plant life is prohibited.  Washing of any vehicle is prohibited.				

The use of water for dust control or any outdoor cleaning is prohibited

The use of drip of misting system of any kind is prohibited

The filling of any swimming pool, spas, foutains or ornamental pools is prohibited Restaurant patrons shall be served water only upon request Any other water intensive activity is prohibited

	ngleuspia (Cur of Areagues a sarges
a.	How will you determine when to initiate a drought stage for your system? What factors will be considered?
	(Indicators to consider include climate conditions, water supply availability, amount of supply in relation to demand, infrastructure of system, well/reservoir levels, and should most likely involve a combination of more than
	one.) Water storage supply, and operation of well.
b.	Who has the authority to initiate and/or change a drought stage for your system?  Mike Neal
C.	if you chose to make any of your management measures mandatory for your customers, how will you enforce them?
	Mail a notice to them via US Postal Servive first class mail. Post information on company website
d.	Other important information on implementation of drought stages:
a.	Describe how you plan to educate customers on drought conditions and the need for water
	conservation: Post conservation methods with monthly billings and on the website
b.	How will customers be notified of a drought stage declaration and implementation of associated management measures?
	Note that different stages of drought may need different notification methods. If the system has reached the point
	of a water shortage, rapid notification will be necessary.  Stage 1 no notice, Stage 2 3 4 Door to Door notice or mail
a.	Describe how you will get water to your customers in an emergency water shortage situation:  Note that it is the community water system's responsibility to have an emergency source of water and en emergency plan in place.
	Connect to City of Kingman water source
а.	Address of water system: 7313 E CONCHO DRIVE STE B, KINGMAN ARIZONA 86401
b.	Telephone number of water system: 928 757-2205
C.	Name and number of person(s) responsible for directing emergency operations: MIKE NEAL 928 757-2205



Shipment Detail

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FedEx InSight ® Shipment Detail

> Tracking Number 793168853300

Shipment information

Status

Ship (P/U) Date Est. Delivery Date

Service Type Number of Pieces

Weight

Shipment Reference

Reference Type

Delivered: 01/12/2010 09:25 AM Signed for By: W.FLORES: Phoenix, AZ

01/11/2010 01/12/2010

FedEx Priority Overnight

5 b.

Description

Shipper

**CHRIS HOPPER** CERBAT WATER

COMPANY

7219 W SAHARA AVE STE

120

Las vegas, NV 89117

US

7024278334

Recipient

**Drought Program** 

ADWR

3550 N Central Ave 4th

Floor

Phoenix AZ 85012

US

6027718442

**Associated Shipments** 

Shipment Description

Tracking Results

**Associated Tracking Numbers** 

Al Statues

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	Your Order Number is: 423518					
Annual Report: A09						
Due Date: 08/16/2009						
Fee:45.00		· · · · · · · · · · · · · · · · · · ·				
Penalty:45.00		<del></del>				
Reinstatement:0.00						
Expedite:		•				

	Corpora	ate Information	
	File Nur	nber: -0111450-4	
•	•• •• Corporation Na	me: CERBAT WATER	COMPANY
Corporation Addres	s: 2409 RICCA DR		
Corporation Addres	8:		···
Corporation Addres	8:		
City: KINGMAN	State: ARIZONA	Zip-Code: 86401	County: MOHAVE
	State of De	omicile: ARIZONA	
S	econdary address: Fore	ign Corporations <u>Must</u>	Complete
Address:			· · · · · · · · · · · · · · · · · · ·
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Address:				<del></del>
City:	State:	Zip-Code:	County:	
Business Phone:	Character of l	Business: UTILITIES		

	Statutory Agent Info	rmation		
	Statutory Agent: RICHARD	L SALLQUIST		
Agent Mailing Address	: 2525 E AZ BILTMORE CIR #11	7		
Agent Mailing Address	•			
Agent Mailing Address	•			
City: PHOENIX State: ARIZONA Zip-Code: 85016				
Ager	nt Physical Address, If Different f		·	
Physical Address:				
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Physical Address:				
City:	State: ARIZONA	Zip-Code:		

	CAPITALIZATIO	N	
Numi	er of Shares/Certificates A	UTHORIZED	
Number Authorized: 2014.8			
——————————————————————————————————————	umber of Shares/Certificate		
Number Issued: 0	��Class:	◆◆◆Series Within Class (if any):	

## SHAREHOLDERS holding more than 20% interest Shareholder Name: CLAUDE K NEAL FAMILYTRUST

Corporate Officer Information					
B MARC NEAL PRESIDENT 8103 E HWY 66 KINGMAN, AZ 86401 Date of Taking Office: 01/01/1990	RITA B NEAL SECRETARY 2409 RICCA DR KINGMAN, AZ 86401 Date of Taking Office: 12/15/1971				

# Corporate Director Information B MARC NEAL 8103 E HWY 66 KINGMAN, AZ 86401 RITA B NEAL 2409 RICCA DR KINGMAN, AZ 86401

Date of Taking Office: 01/01/1990

Date of Taking Office: 12/15/1971

#### CERTIFICATE OF DISCLOSURE

(A.R.S. • 10-202(D), 10-3202(D), 10-1622.A.8 & 10-11622.A.7)

Has ANY person who is currently an officer, director, trustee, incorporator, or who, in a for For-Profit corporations controls or holds more than 10% of the issued and outstanding common shares or 10% of any other proprietary, beneficial or membership interest in the corporation been:

1. Convicted of a felony involving a transaction in securities, consumer fraud or antitrust in any state or federal jurisdiction within the seven year period immediately preceding the execution of this certificate?

NO

2. Convicted of a felony, the essential elements of which consisted of fraud, misrepresentation, theft by false pretenses or restraint of trade or monopoly in any state or federal jurisdiction within the seven year period immediately preceding execution of this certificate?

NO

- 3. Subject to an injunction, judgment, decree or permanent order of any state or federal court entered within the seven year period immediately preceding execution of this certificate where such injunction, judgment, decree or permanent order involved the violation of:
- (a) fraud of registration provisions of the securities laws of that jurisdiction, or
- (b) the consumer fraud laws of that jurisdiction, or
- (c) the antitrust or restraint of trade laws of that jurisdiction?

NO

## STATEMENT OF BANKRUPTCY OR RECEIVERSHIP (A.R.S. �� 10-1623 & 10-11623)

A) Has the corporation filed a petition for bankruptcy or appointed a receiver?

NO

B) Has any person who is currently an officer, director, trustee or incorporator, or who, in a For-Profit corporation, controls or holds over 20% of the issued and outstanding common shares, or 20% of any other proprietary, beneficial or membership interest in the corporation, served in any such capacity or held a 20% interest in any other corporation on the bankruptcy or receivership of that other corporation?

NO

#### Online Signature: Signed/executed by

I certify that I am an officer, receiver, or trustee of the corporation who is duly authorized (and is listed in the report's officer section) to submit this report. I declare, under penalty of law, that all corporate income tax returns required by Title 43 of the Arizona Revised Statutes have been filed

nmp://starpas.azcc.gov/scripts/cgiip.exe/WService=wsbroker1/efor

with the Arizona Department of Revenue. Further, by typing/entering my name I affix my electronic signature acknowledging that this electronic document is submitted in compliance with Arizona Revised Statutes and that this information is true, complete and accurate as of the date the electronic filing is submitted.

Officer Name: B MARC NEAL

Officer Title: PRESIDENT

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